

REMARKS/ARGUMENTS

Claim 1 has been amended to include the limitations of claim 2. Claim 2 has been cancelled without prejudice or disclaimer of subject matter. Claims 38-41 have been newly added. Support can be found in the specification at, *e.g.*, page 23, line 12 to page 24, line 10 for (at least) claims 38-40. Support for claim 41 can be found in the specification at, *e.g.*, Dye prescription 1, which begins at page 109 of the specification. In this prescription, one dye is used in the float.

No new matter has been added.

Related art rejections

1. The rejection of claims 1-7, 19-20, 24-26, 30 and 33 under 35 U.S.C. § 103(a) as being unpatentable over US 5,964,900 ("Ruhlmann") in view of DE 2 638 236 ("Rosenbusch") is respectfully traversed for the reasons presented in the January 5, 2011 Amendment (incorporated herein by reference) the additional remarks that follow.

The Office relies upon the English translation of *Rosenbusch*'s abstract only. An English translation of *Ruhlmann* is submitted herewith.

There is no *prima facie* case of obviousness against the present claims in view of the cited references, because there is no reasonable expectation of success regarding the Office's proposed modification to *Ruhlmann*. *Ruhlmann* relates to dyeing cellulosic fibre materials with *reactive* dyes.¹ Thus, the chemistry of *Ruhlmann* relates to a reaction between the cellulosic fibre material and the dye. On the other hand, *Rosenbusch* relates to dyeing leather with a float including acidic and basic dyes, where the float has a pH of greater than 7.5. There is no disclosure in *Rosenbusch* that the pH of the float would influence the chemistry of the reactive dyes in *Ruhlmann*. Rather, *Rosenbusch* discloses that this pH is necessary so

¹ See column 1, lines 5-7 of *Ruhlmann*.

that "leather can be dyed simultaneously with basic and acidic dyestuffs together in aqueous floats without the occurrence of mutual precipitations of the oppositely charged dyestuffs by using solutions of combinations of these dyestuffs in the presence of alkalis and conducting these dyeings at above pH 7.5 and preferably at between pH 8 and pH 10."² Otherwise "the oppositely charged dyestuffs would otherwise mutually flocculate in the aqueous medium used in this precipitation would then form a smeary deposit on the flesh side of the leather."³

In view of the foregoing, there would have been no reasonable expectation of success to one of ordinary skill in the art considering these cited references at the time of the present invention. The cited references fail to predict that the pH range of *Rosenbusch* would influence the chemical reactivity disclosed in *Ruhlmann*, because *Rosenbusch* fails to disclose that the pH of a dye float would affect the chemical reactivity of a reactive dye in leather.

See MPEP § 2143.02.

Further, claim 1 recites that "X is an electron-attracting radical, wherein at least one radical X is present in an SO₃H group." In the pH conditions of the present claims, this "at least one radical" can be deprotonated during the claimed processes so that the dye F is an anionic dye. Further, the groups as claimed present in the molecular structure (*e.g.* Kk¹) are anionic or neutral substituents and therefore the dyes as claimed would not be cationic dyes. As noted above, *Rosenbusch* prepares a dye float having anionic **and cationic** dyes, where the pH is at least 7.5 so that these chemically different dyes do not agglomerate and precipitate out of the floats. *Rosenbusch* fails to disclose that the pH of a dye float **results** in dyes in the anionic state. Accordingly, *Rosenbusch* fails to disclose or suggest that the pH of the dye float would effect the dyeing of leather with dyes that are anionic or neutral. Thus, there is no motivation to combine the references, and there is no reasonable expectation of success in modifying the dye floats of *Ruhlmann* to have a pH allegedly disclosed in *Rosenbusch*. *See*

² Page 5, lines 1-8 of the English translation of *Rosenbusch*, emphasis added.

³ Page 3, lines 4-8 of the English translation of *Rosenbusch*.

also claim 41, "wherein [the float(s) as claimed] consists of at least one dye F having the at least one group represented by formula A."

Last, the cited references fail to disclose the dyes as claimed in claims 34 and 38-40. *Ruhlmann* discloses dyes having three $-N=N-$ groups in the molecular backbone (*see e.g.* the dyes of formulae (1)-(3)), and fails to disclose reactive dyes having, *e.g.*, $-NH-$ groups in the molecular backbone. *See e.g.* the dye of formula (V) in claim 33. *Ruhlmann* also fails to disclose the dyes as claimed in claims 38 because, *inter alia*, there is no disclosure of the Tk^1 group of formula (IIb) as claimed. Further, *Ruhlmann* fails to disclose reactive dyes with six $-N=N-$ groups (formula IIIa) and four $-N=N-$ groups (formula IVa) as claimed in claims 39-40. *Rosenbusch* does not remedy these deficiencies and therefore there is no *prima facie* case of obviousness against (at least) these claims.

For at least the reasons given above and those presented in the January 5, 2011 Amendmen, the present claims are fully distinguished between *Ruhlmann* and *Rosenbusch*, either individually or combined. Withdrawal of the rejection is therefore respectfully requested.

Conclusion

Applicants respectfully submit that the above-identified application is in condition for allowance. Notification thereof is requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)


Benjamin A. Vastine, Ph.D.
Registration No. 64,422